FOR MYSORE STATE

1—27-10-53.

(1954) Department.

MS SERIES.

G.O. No.

13

Dated 5-1-54

~~5-1-54~~

Placed
Engh.
DR
12.1.54

[Despatch Abstract.]

512

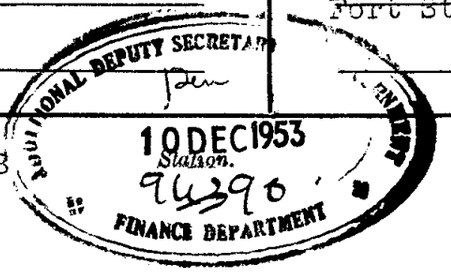
From

The Accountant General

Madras

To

The Secretary to the Government of Madras,
Finance Department,
Fort St.George, Madras-9



No. P.A. II MAL 878 Date 8 -12-53

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Sir,

Sub: Arrears of pension due to the late Shivarama, retired Head Constable, South Kanara District and holder of P.P.No. A 23848 - convicted and sentenced to imprisonment - payment to the legal heirs.

I am to state that one Sri P.Shivarama referred to above was convicted and sentenced to undergo imprisonment on 16-9-52 by a Criminal Court and while undergoing imprisonment died in jail on 9-6-53. It is reported by the Treasury Officer, South Kanara in his letter Doc. No. 1178/53 P II dated 17-10-53 (vide copy enclosed) that his pension to end of 31-8-52 has been paid to him. An amount of Rs.144-2-0 representing his pension for the period from 1-9-52 to 9-6-53 at Rs.2-4-0 p.m. (pension Rs.1-4-0 plus temporary increase Re.1/-) is due for payment.

In this connection, I am to invite a reference to article 351 of the C.S.R. with reference to which it is open to the State Government to withhold or withdraw a pension or any part of it, if the pensioner is convicted of serious crime or be guilty of grave misconduct. I am therefore to request to be informed as to whether the payment of the arrears could be made to his legal heirs. A copy of the petition from Srimathi Kamala, wife of the deceased pensioner is also enclosed for the information of Government.

Yours faithfully,

for Deputy Accountant General.

KV 8-12

No. P.A. II MAL 879 dated -12-53

Copy forwarded for information to the Treasury Officer, South Kanara, Mangalore with reference to his letter dated 17-10-53.

The petitioner, Srimathi Kamala may be informed that the matter has been referred to Government for orders.

Fold along this line.

MFP—492 General—6923/50/A—(M-521)—27-9-50—20,000 Pads.

Copy of letter Roc.No. 1173/52/F.11 dated 17-10-52 from the Treasury Deputy Collector, South Kanara to the Accountant General, Madras.

Pensioners - I.Shivarama, holder of P.P.O.No.A 26349 - died at the Cenral Mail, Cannanore - Further report.

Your No.P.A. I MAL 588 dated 15-9-53.
1. This office Roc.No.1173/52/F.11 dated 26-9-52 to the District Superintendent of Police, South Kanara copy endorsed to you.

Pensioner I.Shivarama, holder of P.P.O.No. A 26349 was convicted under Section (1) 467 I.P.C. (2) 471 read with Section 467 and (3) under Section 409 I.P.C. and sentenced to undergo simple imprisonment for 2 years under each of the 3 charges and to pay a fine of Rs.50/- under each of the 3 charges and in default to undergo S.I. for a further period of 2 months under each charge the sentences to run concurrently in S.C.No.12/52 on the file of the Principal, Assistant Sessions Judge, South Kanara. He was sentenced on 16- -52 and he died in jail on 9-6-52 while undergoing imprisonment. The pensioner has last drawn his pension on 2-9-52 upto and for 31-8-52. No pension was drawn on his behalf thereafter. It may be informed whether the arrears of pensions from 1-9-52 to 9-6-52 may be disbursed to the legal heirs of the deceased.

Both halves of P.P.O.No. A 26349 are enclosed for reference and return.

(True Copy)

A.T.O.

4

petition
Copy of ~~xxxxxx~~ dated 31-10-53 from Srimathi Kamala to the Treasury Deputy Collector, South Kanara, Mangalore copy endorsed to the Accountant General, Madras.

Petition of K.Kamala, wife of K.Shivaram, retired Head Constable C/o K.Venkatramana - postman - Kankanady Post Officer, Mangalore.

That the petitioner is the wife of K.Shivarama, retired Head Constable, C/o K.Venkatramana, Postman, Kankarady, Mangalore.

That her husband is a government pensioner and was drawing pension at the rate of Rs.26-4-0 per mensem from Kasaragod sub-treasury and had drawn pension upto the month of August 1952.

That unfortunately, her husband was involved in a breach of trust case in his capacity as a Branch Post Master, extra department and was convicted and sentenced by the Assistant Sessions Judge, South Kanara in S.C.31/52 to undergo simple imprisonment for two years and her husband was undergoing his sentence in Cannanore Central Jail and that his P.P.O. Number is A 26349.

That unfortunately for her, her husband died in the Central Jail on 9-6-53 and that his pension from 1-9-52 to 9-6-53 is in arrears.

That the petitioner begs to represent that the Treasury Officer may be pleased to institute necessary enquiry and disburse the arrears to her at an early date.

Pensioner's half of P.P.O.No. A 26349 will be produced at the time of enquiry.

(True Copy)

Finance (Pension)

Sub: C.S.R. Article 351 - K. Shivarama, Sri, late Head Constable of the South Kanara Dist., convicted under sections 467,471, read with 467 and sec. 409 I.P.C. - Payment of arrears to legal heirs - sanctioned.

From the Accountant General, No.P.A.II. MAL 878 dated 8-12-1953.

ORDER: Ms.No. 13 Finance dt. 5-1-54

The Government have decided that the arrears of pension due to the late Sri K. Shivarama, retired Head Constable and holder of P.P.O. No.A 26349, who ~~was convicted~~ died while undergoing the sentence of imprisonment imposed by the Assistant Sessions Judge, South Kanara, need not be withdrawn under Article 351 C.S.R. Sanction is accorded to the payment to ~~his~~ their legal heirs, of the arrears of pension amounting to Rs 244-2-0 (representing the pension at 26-4-0 p.m. from 1-9-1952 to 9-6-1953) due to the deceased.

To the A.G.Madras.

P.No.11

Finance [Pen] Deptt.

Pension - Withdrawal under Article 351 of the C.S.R. - late K. Shivarama, retired Head constable of South Kanara Dist. - or payment to legal heirs.

b/cf Ref: From the Accountant General, No.P.A.II. Mal 878 dated 8-12-1953.

Please see the reference from the Accountant General with its enclosures on pp 1-4 c.f.

A few cases in which the question of withdrawal of pension under Article 351 of the C.S.R. was considered in the recent past are put at (Y),(W), and (X). In two of these cases (X),& (Y), portion of pension was withdrawn under Article 351 of the C.S.R., in the other case (W),no withdrawal was made. In the present case, no withdrawal need perhaps be made in view of the fact that the pensioner died while undergoing imprisonment; the arrears of pension may be ordered to be paid to the legal heirs. Before taking orders in Circulation, Home may see.

S | 17/12

15.12.53

15/12/53

17/12/53

Home

Fin(Pen)U.O. 94390/53-1

18-12-53

Home dept.

Please see the letter from the Accountant General, Madras at p/cf and the note of Fin above. This dept may agree to the proposal of Fin at S above and the case may be returned to Fin.

I agree 22.12.53

19/12

21.12.53

19.12.53 19.12.53

Home no: 225032 Pol II-1/53

21.12.53

18/12 21.12.53

Fin

Finance (Pen) Deptt. 92781

Note for Circulation.

K. Shivarama, retired Head Constable of South Kanara District and holder of P.P.O. No.A,26349 was convicted and sentended to under go imprisonment for a period of 2 years under each of the three charges framed against him by the Assistant Sessions Judge, South Kanara, and while undergoing imprisonment died in Jail on 9-6-1953. He was drawing a pension of Rs 21-4-0 p.m. plus a temporary increase of Rs 5/- p.m. and was paid up to and inclusive of ~~Rs~~ ~~31-~~ 31-8-1952. An amount of Rs 244-2-0 representing his pension from 1-9-52 to 9-6-53 is due for payment. With reference to a petition from Srimathi Kamala, widow of the deceased pensioner, the Accountant General has requested orders of Government whether the payment of the arrears could be made to his legal heirs.

The charges related to breach of trust while employed as Branch Postmaster
26/12

54 cf.

61 cf.

Future good conduct is an implied condition for every grant of a pension. Under Article 351-C.S.R., the Government have the right of withdrawing or withholding a pension in whole or in part, if the pensioner be convicted of serious crime or be ~~guidly~~ guilty of grave mis-conduct.

A few cases in which the question of withdrawal of pension under Article 351 of the C.S.R. was considered in the recent past are put at (Y), (W), and (X). In two of these cases (X), & (Y), portion of pension was withdrawn under the Article 351 of the C.S.R. in the other case (W), ~~no~~ withdrawal was made.

In view of the fact that the pensioner died while undergoing imprisonment, this Department considered that no withdrawal need perhaps be made in the present case and Home have accepted the proposal. Subject to orders a draft order is submitted. It may be circulated to M(F & E) for approval.

26/12/53

C. Srinivasan
26.12.53
F.B.I.S.S.

M(F&E)

M(F&E)
S. Subramaniam
3.1.54

M(F&E)
4/1